



9973 3312

STATEMENT OF ENVIRONMENTAL EFFECTS

975 BARRENJOEY RD, PALM BEACH

Lot 1 in DP 205296



PROPOSED DEVELOPMENT

This Development Application seeks approval for:

modifications to the top floor

- New roof lines.
- The front setback has been significantly increased
- The high wall on the front boundary has been reduced in length from over 20m to 7m – see streetscape comparison below
- The articulation has been significantly increased.
- The bulk and scale has been significantly reduced
- the car parking area has been relocated
- internal living space which currently overlooks a pool on the adjoining property (975 A) has been converted to car parking space
- the living space has been relocated – please note there is no net increase of habitable space within the front setback

modifications to the ground floor

- enclosure of a balcony to enlarge bed 5
- modifications to bed 5 ensuite
- modifications to bed 6 ensuite
- addition of a pergola

modifications to the lower ground floor

demolition of a small portion of the original building

addition of a small portion of floor space

general changes

- the total internal floor area has been reduced by 85 m2
- various new windows and doors
- relocation of the internal stairs

PREAMBLE

The motivation for the changes to the top floor are:

- to improve the architectural merit of the design, particularly as viewed from the street
- to reduce the bulk and scale
- to improve the access to water views from the street
- to improve the amenity of the adjoining dwelling (975A)

RELATED APPROVALS AND SUBMISSIONS

DA N0099/05 - approved

SECTION 96 N0099/05/S96/1 – approved

CONSTRUCTION CERTIFICATE No AO 787 CM

SECTION 96 N0099/05/S96/3 – currently under assessment

BUILDING CERTIFICATE APPLICATION BC0076/16 – currently under assessment

REFERENCE DRAWINGS AND DOCUMENTS

Architectural drawings 1516 – 10 to 19 by Peter Downes Designs

Topographical Survey by YSCO Geomatics

BASIX Certificate by Planning Principals

3D CAD models by Peter Downes Designs

Shadow diagrams by Peter Downes Designs

Goetech letter by D. F. Dickson and Associates

Bushfire report by Bushfire Consultancy Australia

PROPERTY DESCRIPTION

Title Description

Lot 1 in DP 205296

Street Address

975 Barrenjoey rd, Palm Beach

Dimensions and Description

The subject property is irregular in shape with the following boundary dimensions:

North East	33.21 m
South East	18.29 + 8.875 m
South West	HWM + 7.675 m
North West	28.65
Total Site Area	729.9 m ²

Slope

The site is very steep, falling 22m from the edge of the road to the HWM.

Easements

There are no Rights of Way over or in favour of this property.

Covenants

There are no covenants affecting this property.

ZONING AND CONTROLS

Residential E4 – Environmental Living

Pittwater 21 DCP

SITE ANALYSIS

Refer to site plan.

LANDSCAPED AREA

The total landscaped area will be unchanged as the proposed alterations are all within the footprint of the existing dwelling.

HEIGHT CONTROLS – CLAUSE 4.6 VARIATION

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
 - (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
 - (c) to minimise any overshadowing of neighbouring properties,
 - (d) to allow for the reasonable sharing of views,
 - (e) to encourage buildings that are designed to respond sensitively to the natural topography,
 - (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

The LEP stipulates a maximum of 8.5m height above existing ground, however a small portion of the proposed new SE facing gable exceeds this height limit.

Please note that the existing ground line has been determined by the existing levels around the house in accordance with NSWLEC case 1070 Bettar vs Council of the City of Sydney, and more recently in NSWLEC case 1234 Karellas vs Mosman Council.

clause 2D states:

Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
- (b) the objectives of this clause are achieved, and

- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

The author submits that the proposed development complies with all of these requirements, and furthermore, Clause 4.6 states

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

The author submits that the proposed changes to the design of the top floor while not complying numerically with the height limit, result in a much more aesthetically pleasing building, and in particular a significant improvement in streetscape appeal due to the reduction in bulk and

increase in articulation and fenestration. These changes do not have any adverse effect on view loss, overshadowing and privacy.

Furthermore, if measured in relation to the original ground line rather than the underside of the existing lower level slabs, then the bulk of the proposed new top floor is considerable below the height limit.

BUILDING ENVELOPE

The proposed development significantly improves the compliance with the building envelope control at the south eastern end of the building.

BULK AND SCALE

The proposed design is articulated in plan view and all elevations. The combined effects result in a building which admirably disguises it's bulk and scale, and is in character with the adjoining dwellings and others in the immediate vicinity.

SETBACK CONTROLS

The proposed development fully complies with Council's front and side setback requirements, and with the foreshore building line.

DRAINAGE

Refer to Stormwater Management plan.

CAR PARKING AND ACCESS

Car parking for 2 cars is provided in the proposed car parking area.

PRIVACY

The proposed development will result in potential overlooking of the adjoining pool (975A) from the new balcony on the top floor – a privacy screen could be erected if necessary

OVERSHADOWING

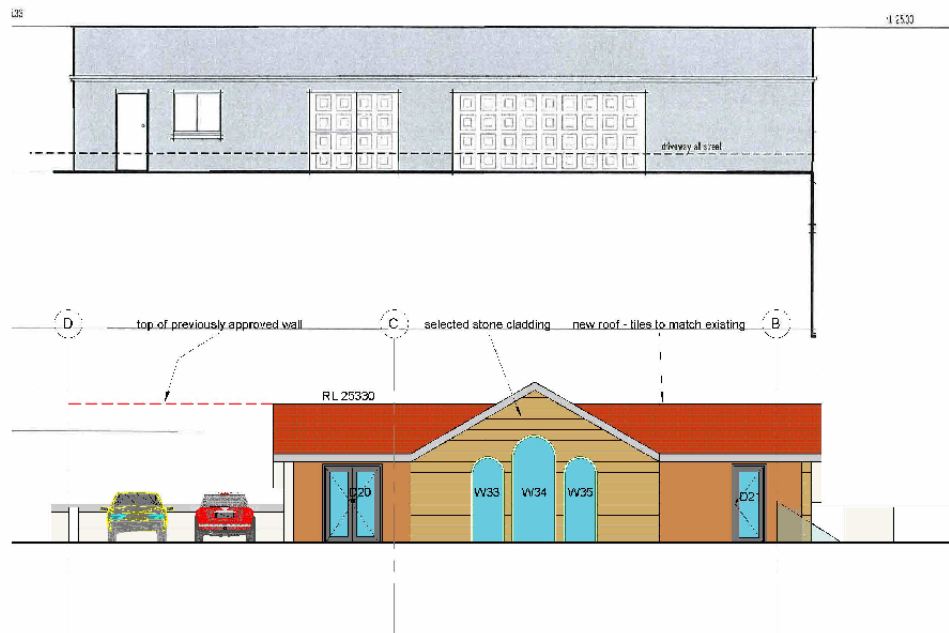
The proposed development will result in a negligible decrease in overshadowing, and any new shadows will fall towards the water.

ENERGY EFFICIENCY

Refer to the BASIX certificate.

STREETSCAPE

The proposed development will significantly improve the appearance of the building and increase the water views.



streetscape comparison – current approval vs new proposal

SITE MANAGEMENT

An approved sedimentation barrier will be installed and maintained throughout the construction period.

VIEW SHARING

There are no view sharing issues resulting from the proposed development.

LANDSLIP HAZARD.

The site is in a designated landslip area - refer to the Geotech letter.

BUSHFIRE HAZARD

The site is in a designated bushfire hazard area – refer to the Bushfire report

WASTE MANAGEMENT

See attached specification.

CONCLUSION

The proposed development complies with the intent of all Council's policies, enhances the natural and built environments and should receive favourable consideration during the approval process.

Peter Downes – Chartered Building Designer
Dip of Arch Tech – Distinction
Dip of Building Design - Distinction